

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREAT AMERICAN INSURANCE
COMPANY,

Plaintiff,

v.

08cv0405

ELECTRONICALLY FILED

PYRAMID POWER SPECIALIST
CORPORATION, THOMAS RUTHERFOORD
INC.,

Defendants.

THOMAS RUTHERFOORD, INC.,
Third-Party and Cross-Claim Plaintiff,

v.

PYRAMID CONSULTING, INC., and
GREGORY A. SIEMER,
Third-Party Defendants

and

PYRAMID POWER SPECIALIST
CORPORATION,
Cross-Claim Defendant.

ORDER OF COURT RE: MOTIONS TO DISMISS

UPON CONSIDERATION of the Motions to Dismiss (doc. nos. 42 and 45)
Defendant/Third Party Plaintiff Thomas Rutherford, Inc.'s Complaint Against Pyramid
Consulting, Inc. and Gregory A. Siemer and Cross-claim Against Pyramid Power Specialists
Corporation filed by Third-Party Defendants, Pyramid Consulting, Inc. and Gregory Siemer, and
Defendant/Third Party Plaintiff Thomas Rutherford, Inc.'s response and brief in opposition
thereto (doc. nos. 47 and 48),

IT IS this 26th day of September, 2008, HEREBY ORDERED that Third-Party

Defendants' Motions to Dismiss are DENIED. The Court exercises its supplemental jurisdiction over the third-party claims because they arise out of a common nucleus of operative facts (28 U.S.C. §1367) and because such action is consistent with judicial efficiency (i.e., trying all claims in one judicial proceeding). Further, this Court finds that it has personal jurisdiction over the third-party defendants. See 42 Pa.C.S.A. §5322.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties